



# The Court Legacy

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Issue 5 - October 1995

## **“He Served with Distinction, Courage and Dignity.”<sup>1</sup>**

By Philip P. Mason -- Distinguished Professor of History, Wayne State University

For nearly twenty five years, from 1946 to 1970, Judge Theodore Levin served on the U.S. District Court for the Eastern District of Michigan, the thirteenth judge to be appointed since the Court was established in Michigan in 1837. From 1959 to 1967 he served as Chief Judge and during those years, Theodore Levin left his mark on the Court imprinted by his leadership, his innovative changes in court procedures, and the quality of justice administered by his court.

Theodore Levin was born in Chicago, on February 18, 1897 — one of eight children — to Joseph and Ida (Rosin) Levin. He remained with his family, which moved to London, Ontario in 1905, until 1913 when he moved to Detroit at the age of sixteen. As a young boy he sold newspapers on the streets of Detroit and later, to earn money for college, he worked in a machine shop.

Theodore Levin, like two of his brothers, chose law for a career, graduating from the University of Detroit Law School in 1920 with an LLB, and in 1924 with an LLM. After admission to the Michigan State Bar in 1920, he opened a law firm with his brother Saul, joined later by Morris Garvett and Louis Dill. One of the firm's special interests was Immigration Law, assisting immigrants entering the United States from Europe and Canada. In 1931 Theodore Levin was one of

the leaders along with Fred M. Butzel, Maurice Sugar and Frank Murphy, of a successful campaign against the repressive Michigan Alien Registration and Fingerprinting Act. He later served on the Executive Board of the National Refugees' Service Administration and as Vice President of the Michigan Commission on Displaced Persons.

Theodore Levin's public service expanded in 1933 when he was appointed Special Assistant Attorney General to conduct a grand jury investigation into the events surrounding and leading to the Michigan Bank Holiday. From 1944 to 1946, during the war years, he was a member of the Selective Service Appeal Board.

In 1946, President Harry S. Truman appointed Theodore Levin to be a judge of the United States District Court for the Eastern District of Michigan. Judge Levin, upon assuming office, rose quickly to prominence as an able and dedicated judge. In 1959, he became Chief Judge, a position he held until 1967. He carried a full caseload until his death in 1970, and he was, for nearly a quarter of a century, a towering figure on the Court. During his tenure, especially during his years as Chief Judge, he achieved national renown for his work on the Judicial Conference of the United States.

Theodore Levin also won high praise for his role as a leading innovator in the field of criminal sentencing. During his years as a judge he became aware of, and was increasingly concerned about, disparity in sentences. His solution: the Sentencing Council, a committee comprised of judges and probation officers who jointly discussed sentences to be imposed by the sentencing judge. Although this Council's work was advisory, it had a decided impact upon the sentencing practices of the Court. It not only resulted in more fair and uniform sentences, but it also fostered collegiality among judges. Several state and federal courts — including the United States District Courts in Brooklyn and Chicago — followed Judge Levin's enlightened sentencing practices.

Judge Levin was recognized for his leadership of the Court during a period of rapid expansion. He was an able administrator and skillfully resolved conflicts among judges and court staff, which gained him great respect. He had a remarkable talent, too, for resolving difficult legal cases with "practical and often unorthodox solutions."

He was also admired and revered by his colleagues on the Court. The late Judge Wade McCree summed up his views on Judge Levin: "He was very much a gentleman with a courtroom decorum that was the epitome of what a courtroom should be." Another judicial colleague, John Feikens, admired Judge Levin for "...his qualities of kindness, human sympathy, depth of conscience, patience, and sagacity. He was an ideal judge in both temperament and ability."

Judge Levin's understanding of human nature as well as his sense of humor was shared by his son, Joseph.

He liked to tell the story of an immigrant client of his who, while facing deportation, wrote him a letter saying that, at the time he was mailing the letter, he was standing near the Brooklyn Bridge and that, by the time my dad would receive the letter, he would be at the bottom of the East River. For weeks after receiving that letter, my father could not locate this client. Finally, sadly, he took the letter to the District Director. The District Director told my father how sorry he was that this man had taken his life, found the relevant file and closed the case.

Years afterwards, a man stopped my father on a street in downtown Detroit and said, "Mr. Levine, Mr. Levine, don't you remember me?"

My father looked at him quizzically, and said, "No, I don't think I do recognize you, but you do look an awful lot like a guy who wrote me a letter, years ago, that he was about to jump off the Brooklyn Bridge and that, by the time I received that letter, he would be at the bottom of the East River. If the Immigration authorities ever thought that guy was still alive, he would go to jail for the rest of his life." As my dad related it, "This guy had the most frightened look come over his face and then, white as a sheet, he turned around, ran down the block and around the corner like a jack rabbit. I never saw him again."

Judge Levin was revered in the Detroit Jewish community for his numerous philanthropic activities. He served as president of several major organizations: the Jewish Welfare Federation of Metropolitan Detroit, the United Jewish Charities of Detroit, the Jewish Social Service Bureau, and the Resettlement Service. He was an active member of the Detroit Round Table of Catholics, Jews and Protestants. He was in the Scottish Rite of Free Masonry and a 33rd degree Mason.

In 1995, twenty-five years after his death, the United States Congress honored Judge Levin by naming the U.S. Court House in Detroit the "Theodore Levin United States Court House." The Congressional Act, signed by President Clinton was spearheaded by Judge John Feikens and Congressman John D. Dingell, who was a law clerk to Judge Levin from 1952 to 1953.

The formal public ceremony announcing the naming of the Court House took place on May 1, 1995 (Law Day) at the West Lafayette entrance of the building. A capacity audience heard remarks and eulogies from Judge John Feikens, who chaired the ceremony, Judge Julian Abele Cook, Jr., Mayor Dennis Archer, Congresswoman Barbara Rose Collins, Rabbi Irwin Groner, Mrs. Miriam (Mimi) Levin Lieber, Senator Carl Levin, Congressman Sander Levin and Congressman John D. Dingell.

<sup>1</sup> From the resolutions adopted by the Thirty-Second Annual Conference of the Federal Judges of the Sixth Circuit, July 1, 1971.



Theodore Levin, 1897-1970